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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,020	10/01/2003	Craig A. Jacks	1036.1101103	9528

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EXAMINER
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ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/677,020

Applicant(s)

JACKS, CRAIG A.

Examiner

Angel R. Estrada

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12/05/03. 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 line 6, "a bracket attached to the flange", confusing and unclear; the specifications do not mention that the bracket is attached to the flange just mentioned that the bracket is attached to the receptacle. The Examiner is assuming that the bracket is attached to the sidewall of the receptacle.

Claim 29 line 1, "the vapor barrier", lacks antecedent basis.

Claims 25-28 and 30-35 are included because of their dependency.

Any further rejections of claims 25-28, 30-35 in this office action are based on claims 25-28, 30-35, as they are understood by the examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-31, 36-39 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nix et al (US 4,724,281; hereinafter Nix) in view of Mulks (US 5,721,394).

Regarding claim 24, Nix discloses an assembly (see figure 1) for enclosing one or more electronic devices, comprising: a receptacle (2) having a plastic wall forming a cavity (see figure 1) having an opening and a generally flat plastic flange (12) surrounding the opening (see figure 1); a first structural member (38) of the building, wherein the flange is attached thereto (column4 lines 10-16); an outer wall layer (56) disposed over the receptacle and first structural member (see figure 4); but Nix lacks a bracket attached to the wall and spanning the opening. Mulks teaches receptacle (see figure 1) having a wall forming a cavity having an opening (see figure 1) and a flange (5) surrounding the opening and a bracket (7,8) attached to the wall and spanning the opening (see figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Nix's receptacle with a bracket attached to the wall as taught by Mulks to provide a bracket that will support electrical connectors which will be in between the electronic device and the wire to facilitate the connection between the electronic device and the wire.

Regarding claim 25, Nix discloses the assembly (see figure 1), wherein the plastic wall comprises a hole (16-18) and wherein the assembly further comprises a wire portion (44, 46) extending through the hole into the cavity (see figure 4).

Regarding claim 26, Nix discloses the assembly (see figure 1) wherein the wire portion (44,46) forms a coil inside the cavity (see figure 4).

Regarding claim 27, Nix discloses the assembly (see figure 1), wherein the wire portion (44,46) forms a zigzag inside the cavity (see figure 4).

Regarding claim 28, Nix discloses the assembly (see figure 1), further comprising a vapor barrier (39) disposed between the flange (12) and the outer wall layer (56).

Regarding claim 29, Nix discloses the (see figure 1), wherein the vapor barrier (39) is sealed to the flange (12, column 4 lines 35-37).

Regarding claim 30, Nix discloses the assembly (see figure 1) further comprising an adhesive (58) disposed between the vapor barrier (39) and the flange (12).

Regarding claim 31, Nix discloses the assembly (see figure 1), wherein the plastic wall comprises a generally flat base (11 or see figure 2).

Regarding claim 36, Nix discloses a method of enclosing a low-voltage electronic device (see figure 1), comprising the steps of: providing a receptacle (2) having a plastic wall forming a cavity having an opening (see figure 1) and a generally flat flange (12) surrounding the opening (see figure 1); positioning the receptacle (2) within a wall (56) of a building so as to allow the flange (12) to contact a flat surface of a structural member (38) of the building, securing the flange (12) to the structural member (column 4 line 4 lines 10-14); installing a wall layer; forming a hole in the wall layer in communication with the opening of the cavity (see figure 4); and attaching the low-voltage electronic device to the bracket (48); but Nix lacks securing a bracket across the opening. Mulks teaches receptacle (see figure 1) having a wall forming a cavity having an opening (see figure 1) and a flange (5) surrounding the opening and a bracket (7,8) attached to the wall and spanning the opening (see figure 1). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Nix's receptacle with a bracket attached to the wall as taught by Mulks to provide a bracket that will support electrical connectors which will be in between the electronic device and the wire to facilitate the connection between the electronic device and the wire.

Regarding claim 37, Nix discloses the method, further comprising the steps of: providing a vapor barrier (39); sealing the vapor barrier (39) to the flange (12) of the receptacle (2); and forming a hole in the vapor barrier in communication with the opening of the cavity of the receptacle (see figure 5).

Regarding claim 38, Nix discloses the method, further comprising the step of applying an adhesive (58) to the flange (12).

Regarding claim 39, Nix discloses the method, wherein the plastic wall comprises a generally flat base portion (11 or see figure 2).

Regarding claim 43, Nix discloses the method, further comprising the steps of: forming a hole (16-18) in the plastic wall; and introducing a portion of a wire (44, 46) through the hole into the cavity (see figure 4).

Regarding claim 44, Nix discloses the method, further comprising the step of forming the wire portion (44,46) into a zigzag pattern (see figure 4).

Regarding claim 45, Nix discloses the method, wherein the wire portion (44, 46) forms a coil (see figure 4).

Regarding claim 46, Nix discloses the method, further comprising the step of sealing the hole (16-18) with a sealing (50) subsequent to the introduction of the wire portion (see figure 4).

3. Claims 32-35 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nix et al (US 4,724,281; hereinafter Nix) in view of Mulks (US 5,721,394) as applied in claim 31 and further in view of Solek (US 4,438,859).

Regarding claim 32, the modified Nix discloses the claimed invention except for the flat base (11) having a raised pattern. Solek discloses a receptacle having a flat base (20) with a raised pattern (80, 70 or see figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Nix with a flat base having a raised pattern as taught by Solek to provide the flat base with additional openings for wires

Regarding claim 33, the modified Nix discloses the claimed invention except for the flat base (11) having a printed pattern. Solek discloses a receptacle having a flat base (20) with a printed pattern (80, 70 or see figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Nix with a flat base having a printed pattern as taught by Solek to provide the flat base with additional openings for wires

Regarding claims 34, the modified Nix discloses the claimed invention except for the plastic wall having a pattern of concentric shapes. Solek discloses a receptacle having a wall (30, 40, 50, 60) comprising a pattern of concentric shapes (see figures 1

and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Nix with a wall having a pattern of concentric shapes taught by Solek to provide the wall with additional openings for wires.

Regarding claim 35, the modified Nix discloses the assembly where the pattern of concentric shapes is a pattern of circles (as taught by Solek, see figures 1 and 2).

Regarding claim 40, the modified Nix discloses the claimed invention except for the flat base portion having a raised pattern. Solek discloses a receptacle having a flat base portion (20) with a raised pattern (80, 70 or see figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Nix with a flat base portion having a raised pattern as taught by Solek to provide the flat base portion with additional openings for wires

Regarding claim 41, the modified Nix discloses the claimed invention except for the flat base (11) having a pattern of concentric geometric shapes. Solek discloses a receptacle having a flat base portion (20) with a pattern of concentric geometric shapes (80, 70 or see figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Nix with a flat base portion having a pattern of concentric geometric shapes as taught by Solek to provide the flat base portion with additional openings for wires.

Regarding claim 42, the modified Nix discloses the assembly where the pattern of concentric shapes is a pattern of circles (as taught by Solek, see figures 1 and 2).



**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bordwell (US 5,191,171) discloses a receptacle with a raised pattern


6. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

January 24, 2003

 1/26/04  
DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
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